

# LEVELER

## E-Newsletter from the Lake Ontario Riparian Alliance

Issue 18 June 30, 2013

Grassroots Public Advocacy for the Protection, Restoration and Conservation  
of Lake Ontario Beaches and Riparian Property

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### BV7 and Plan 2014 are the same plans!

In reviewing the information the International Joint Commission (IJC) has posted on its web site regarding Plan 2014, we have discovered that its “new” plan, Plan 2014, is actually the same as Plan BV7 that was put forth last year. Plan BV7 was rejected by every community and elected representative along the south and eastern shores of Lake Ontario.

The only difference between the two plans is the amount of disproportionate damage to the south shore of Lake Ontario. The damage has been slightly reduced from \$4.5 million to \$3.0 million per year on average. The new plan as well as the previous plan would be devastating to the shore of Lake Ontario from the Niagara River to north of Sandy Ponds on the east shore.

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Dear Neighbor,

After publishing LEVELER 17, we found an error in our calculations for lake-level probabilities. We had stated that the percentage that Plan 2014 would be above **247** feet during the March-May time period was 10.17%. On review, we found that the correct percentage for that time period is **11.47%**. As a baseline for comparison, levels above **246.3** feet can cause flooding and other damages.

What this means to us as the lake shore homeowner, is that, at least every **ten** years, there will be on average one year that spring lake levels will cause flooding or other damages. Compare this to the current plan, under which the percentage is less than once every twenty years.

For those of you who want to know how we came up with these numbers:

The IJC may be starting with meters and converting to feet and rounding off. We are starting from feet, 247 feet or 247.3 feet exactly, and converting to meters (75.286 or 75.377 m). If IJC starts with 75.37 m and converts to feet they get 247.277 feet.

Using 247.0 feet, March through May:  
1958DD = 4.62 %  
Plan 2014 = 11.47%

Using 247.3 feet, March through May  
1958DD = 2.31 %  
Plan 2014 = 6.52%

One interesting thing that this error points out is: whose numbers are right? If the IJC’s numbers are wrong, so could be all of the economic numbers for any plan it is proposing.

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# Trigger Points

## A layman's perspective

We think it is important to explain what triggers levels are and are not under Plan 2014. Some of our neighbors we have spoken feel that the IJC is playing ball and showing good faith with trigger levels.

One boater stated, "Here you guys go again - you asked them for deviations, they came back with them - now you're complaining again - you're never satisfied."

The philosophical change is that the IJC, which has been "Kool-Aid'ed" by the environmental groups, has stripped the Board of Control ("The guys with their hands on the drain") of all authority to change the levels.

In fact, the Board of Control is forbidden to take any action that would change the lake level. The only changes it can make without Commission level approval must be minor and not affect levels and be followed by a corresponding counter-action. (for example; If they let a gallon out, they then must hold a gallon back. If they hold a gallon back, they must then let a gallon out.)

The new plan is intended to insure that the lake eventually reaches the trigger levels which are extreme. The operational part of the plan exists not to protect from and prevent damage from extremes; it is there to guarantee that those extremes will occur as often as possible.

As the IJC appears to believe that the only way the environment is helped is by extreme highs and extreme lows, we may expect that these levels will be reached and/or exceeded much more frequently.

Once the lake reaches these extreme high or low levels, the Board of Control (those guys with their hands on the drain) must go to the Commissioners and ask for permission to let more water out or hold more back. Can they say, no? Can they say, let's wait? Can they even make a difference with levels that high or low, or is it now or will it be like a run-a-way train that is impossible to stop.

If the IJC believes that environment is only helped only at the extremes, and if the IJC wants to help the environment, and if the guys with their hands on the drain are asking to stop the environmental benefit, and if all the environmental groups are opposing deviations, how willing will the Commissioners be to help our plight?

If they help us, they and many environmental groups maintain that they hurt the environment.

The trigger levels in this plan hurt all of us, and Plan 2014 is really dangerous for all of us.

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## Letters from the Shore

We live right on the shore in Wayne Co., town of Huron. We are on a bluff (drumlin) 110 feet above the water and can easily see along the shore to the east. Several days ago we noticed how high the water was when the lake was very calm. Its neither calm nor rough right now (Tuesday @ 9:45 am) but without doubt the water is high and erosion is a major problem and concern. I'm attaching 2 photos I took this morning from our home showing the water levels along the shore to the east of our home along Maple View Drive - you can easily see what's been eroded in the past. The water levels - according to the International St. Lawrence River Board of Control info published - are about where they should be at this time of year per the International St. Lawrence River Board of Control data - 246.0' for June 5. (average is 246.23' for this time of year according to their data) We've had loads of rain since June 5!!!

If we were to have a major nor'easter storm right now - erosion would be severe. The IJC should be contacted and asked for help - let's see what they will do - if anything. Obviously the problem at hand can't be solved in a day or two but let's see what action the IJC will take anyway. Who will do the contacting?

Al & Mary Isselhard  
Wolcott, New York



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From: salbright2  
To: fairweatherd <[fairweatherd@washington.ijc.org](mailto:fairweatherd@washington.ijc.org)>  
Sent: Tue, Jun 18, 2013 1:00 pm  
Subject: Lake level meetings in NYS  
Dear Ms. Fairweather,

Thank you for responding to my questions yesterday. However, I have even more concern and frustration based on the information you provided.

First, the fact that there are only 2 "town" meetings planned for the Lake Ontario south shore is highly inadequate. Here in the Rochester area, we have the highest concentration of lakeshore owners/residents on the entire south shore of the lake. The Williamson meeting is an hour drive to the east, and the Lockport meeting is 1.5 hours to the west. Be absolutely sure that neither meeting will be attended by many, if any, Rochester area residents. I know for sure that my husband and I will not attend.

Second, the Technical Hearing scheduled for Rochester has several flaws - it is on a weekday. I work. Most people I know work. No one I know will take a vacation day to spend in this meeting. Further, there is no opportunity for anyone to speak, voice concerns, etc. Finally, the speakers are chosen by the IJC - likely supporters of the plan. I would imagine that the information will be one sided.

This is all highly unfair to the large number of direct stakeholders living in our region. It truly feels like this is intentional. We deserve the courtesy of a meeting that is attendable, fairly presented, and allows for our input. We are homeowners and businesses who have much at risk if this plan proceeds. We are only asking for a reasonable opportunity to collaborate on this. Why has this not been provided?

Thank You,  
Suzanne Albright  
2096 Edgemere Dr.  
Rochester, NY

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### The IJC's reply

Dear Ms. Albright,

Thank you for voicing your concerns about the hearings. We agree that the residents of the Rochester have a legitimate interest in this process. However, there are numerous communities in the U.S. and Canada on more than 1,400 miles of lakeshore and 300 miles of river that also have a stake in the outcome. The Commissioners want to hear from stakeholders in all major portions of the basin, and they definitely will hear the full range of views, including many from the south shore of Lake Ontario. They will also hear a range of views at the technical hearings, including those that are critical of the proposal.

As for attending the hearings, the IJC will record all hearings, including the technical ones, and will post them on their website soon after each meeting concludes. We have made this arrangement so that members of the public who work can still hear what is said at the hearings. We scheduled the technical hearings during the day so that the Commissioners could attend both those hearings and the public hearings in the evenings.

I hope this information has adequately addressed your concerns.  
Sincerely,  
Diana Fairweather  
International Joint Commission

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Sue's thought on reply

Her response is hideous. How will the Commissioners hear from stakeholders in all **MAJOR** portions of the basin and the **full range of views** from the south shore? How does listening to their information on their website give us an opportunity to address them? I have been blown off **big time!**

If those of us in this region do not voice our disfavor, we will have this thing shoved down our throats. If we do not strongly make our frustration with the process known, we will not have any chance of changing the process.

Suzanne

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Dr. Daniel Barletta 18th June 2013 16:27:18  
NY, Rochester,

In reviewing the proposed Plan 2014 Orders of approval and the exceedence table that the IJC sent me, I find it impossible to see how the IJC could propose a plan that would allow water levels above 246.3 ft during the months of March - May. It is unconceivable that they would allow levels above 247 ft during these months. Even if you disregard the underestimated damages that will occur; to state in the face of data on water levels that the LOSL study has shown will happen and suggest that it is okay to have levels above this, borders on the criminal. Even with today current plan and its upper limit of 247.3 ft, on occasion this level gets surpassed. If the level is set as listed in the proposed orders is used, there will be times when it will be surpassed also.

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Ken Lendeck 14th June 2013 03:25:30  
New York, Hilton,

I have lived on the South Shore of Lake Ontario for 16 years . I have invested \$37,000 for a substantial break wall as have my neighbors, so we really have been attempting to protect our investments. I have followed and participated in most of the discussions over the last 13 years the efforts to control the lake level to meet all " stake holders", so I do understand the situation well. I am very concerned about the proposed regulation BV 7 allowing the maximum level to move to 248.13 for this level with wave heights of more than 2 feet will destroy the South shore. I am also a member of Brockport Yacht Club and since joining in 1982 the 100 member club has maintained our club, its jetties and basin with our own money without any assistance from anyone or any government funds. Our club will also suffer from high water damage where our basin and seawall will be battered, causing us more money then we can afford. We have spent over \$200,000 trying to protect our beautiful club and allowing the level to move to 248.13 will destroy our efforts as well as the lake front home owner's property. Please revise BV7.

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## The Future of Sodus Point, NY?



### Village of Sodus Point, NY in June, 1993.

Water level 248.4 ft.

Plan 2014 has a trigger for that date of 248.13 ft, which is three inches lower than this photo's level. However the new Board of Control would need to ask IJC Commissioners for permission to deviate.

**Town of Greece NY, April 12, 1993**

Approximately \$7 million in damages occurs to south shore. Water level is 247.4 ft. Plan 2014 trigger would not have been exceeded at this level so no action to lower water levels would be required or allowed under Plan 2014.



**Right Now, June 18, 2013, Maple View Heights**

Water level is 246.5 ft

Plan 2014 trigger would not kick in until level is 20 inches higher. What happens to Barn Swallow nesting sites and fish breeding sites when the bank collapses?

**IJC Public Hearings**  
All run 6-9 pm

| <b>Sunday,<br/>July 14</b>  | <b>Monday,<br/>July 15</b>   | <b>Tuesday,<br/>July 16</b>   | <b>Wednesday,<br/>July 17</b>                                    | <b>Thursday,<br/>July 18</b>  | <b>Friday,<br/>July 19</b>   |
|---|--|---|--|---|--|
| Lockport, NY<br><br>Cornell Cooperative Extension<br><br>4487 Lake Avenue<br><br>Meeting Room:<br>4-H Training Center | Jordan, ON<br><br>Ramada Jordan Beacon Harbourside Hotel & Suites<br><br>2793 Beacon Boulevard<br><br>Meeting Room:<br>Harbour Sanderson | Williamson, NY<br><br>Central High School<br><br>5891 Route 21<br><br>Meeting Room:<br>Auditorium | Alexandria Bay, NY<br><br>Bonnie Castle<br><br>31 Holland Street | Montreal, QC<br><br>Best Western Plus Hotel Europa<br><br>1240 Drummond Street<br><br>Meeting Room:<br>Mont Blanc | Cornwall, ON<br><br>Ramada Inn and Conference Centre<br><br>805 Brookdale Avenue<br><br>Meeting Room:<br>St. Lawrence West |

Sign our petition:

[www.stopplan2014.com](http://www.stopplan2014.com)

Visit [www.Loranet.org](http://www.Loranet.org) for more information.

Our past Newsletters can be found at: <http://loranet.org/levelerarchive/pastissues.htm>

